

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed June 4, 2008. At the time of the Final Office Action, Claims 39-62 were pending in this Application. Claims 39-62 were rejected. Claims 1-38 were previously cancelled without prejudice. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Claims 39-42, 44-52 and 54-62 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0193967 by Gregg Fenton *et al.* (“*Fenton*”). Applicants respectfully submit that Claims 39-62 are patentably distinct over the cited reference.

For example, regarding amended Claim 39, *Fenton* fails to teach or suggest:

transmitting a message from a first message service provider to a second message service provider, and

evaluating the message at the second message service provider,

wherein the message contains at least a first header field which includes a reference to at least one network element of the first message service provider which was involved in processing the message.

According to the Specification, a first network

“MMSE SP A includes a switching node MMS RO A and three separate network elements MMS RL A1, MMS RL A2 and MMS RL A3. The

switching node MMS RO A is connected to a user agent MMS UA A. The second network environment MMSE SP B includes a network element MMS RL B. In the exemplary embodiment, it is assumed that the MMS service provider A has gradually expanded his/her network environment MMSE SP A with *different network elements MMS RL A of different manufacturers or with different functional scopes. It is further assumed that the network element MMS RL A3 supports the newest MMS version and is equipped with particular functionalities, while the two other network elements MMS RL A1 and MMS RL A2 only handle the MMS basic functionalities.*” (Emphasis added).

Fenton does not teach these elements of amended Claim 39. For example, referring to the cited passage by the Examiner, none of the messages include a reference to the network element of a message service provider. *See Office Action, Page 3.*

Paragraph [0018] references FIG. 7 which illustrates a protocol framework a block diagram, provided below for the Examiner’s reference. However, FIG. 7 does not show a field which includes a reference to at least one network element of the first message service provider

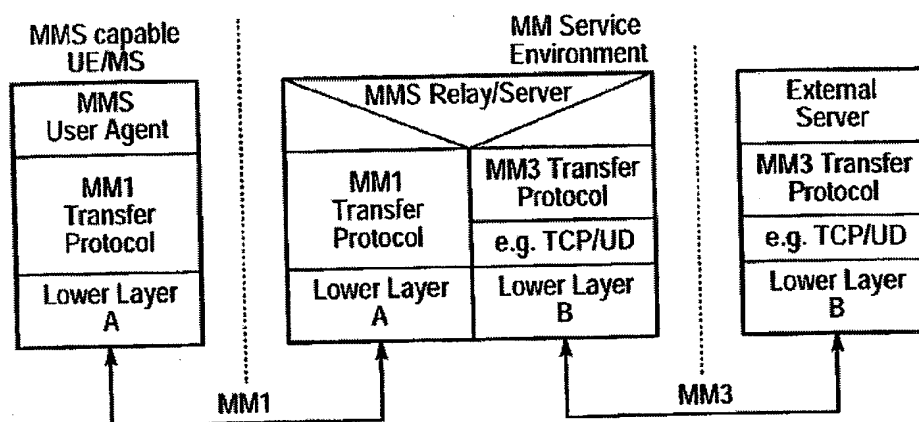


Fig.7

In Paragraph [0033], *Fenton* discloses a MSISDN which may be used for “addressing a recipient in a different MMS service provider’s domain.” This does not include a field which includes a reference to at least one network element.

In Paragraph [0034], *Fenton* discloses using tables or other look-up methods to map recipient’s MMS information. The identification of MMS information does not teach or suggest a field which includes a reference to at least one network element, as recited in Claim 39.

In Paragraph [0070], *Fenton* discloses sending the *identity of originator* of a submitted message in an information field. The originator can not be construed as a network element.

In Paragraph [0071], Table 3, shown below, lists elements of a message. However, the elements listed do not show a field which includes a reference to at least one network element.

TABLE 3

<u>Information elements in the MM1_submit.RES. 1104</u>		
Information element	Presence	Description
Request Status	Mandatory	The status of the multimedia message submit request.
Request Status Text	Optional	Description which qualifies the status of the multimedia message submit request.
Message ID	Mandatory	The identification of the multimedia message given to an accepted multimedia message.

In Paragraph [0099], *Fenton* discloses receiving messages. *Fenton* discloses converting received control information, such as, using “the MSISDNs associated with an SMS-Short Message to define the sender’s and recipient’s addresses of the multimedia message.” *Fenton* fails to teach or suggest a field, in the control information and/or MSISDN that includes a reference to at least one network element.

In Paragraphs [0117] and [0118], *Fenton* discloses various message header fields shown in Table 28, provided below. However, none of the fields listed references at least one network element as recited in Claim 39.

TABLE 28

MM4_forward.REQ 1106 Information Elements to STD 11 Header Mappings, as defined in 3GPP 23.140	
Information element	STD 11 Headers
3GPP MMS Version	X-Mms-3GPP-MMS-Version:
Message Type	X-Mms-Message-Type:
Transaction ID	X-Mms-Transaction-ID:
Message ID	X-Mms-Message-ID:
Recipient(s) address	To:, CC:
Sender address	From:
Content type	Content-Type:
Message class	X-Mms-Message-Class:
Date and time	Date:
Time of Expiry	X-Mms-Expiry:
Delivery report	X-Mms-Delivery-Report:
Priority	X-Mms-Priority:
Sender visibility	X-Mms-Sender-Visibility:
Read reply	X-Mms-Read-Reply:
Subject	Subject:
Acknowledgement Request	X-Mms-Ack-Request:
Content	<message body>
—	Sender:
—	Message-ID:

For at least the reasons discussed above, Applicants respectfully request reconsideration and allowance of Independent Claim 39 and all claims that depend therefrom. In addition, for analogous reasons, Applicants request reconsideration and allowance of Independent Claim 49 and all claims that depend therefrom.

Rejections under 35 U.S.C. §103

Claims 43 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Fenton* in view of RFC 822 Standard for the Format of ARPA Internet Text Messages (“*RFC 822*”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

As noted above, *Fenton* fails to teach or suggest all the elements of Independent Claims 39 and 49. *RFC 822* also fails to teach or suggest wherein a message contains at least a first header field which includes a reference to at least one network element of the first message service provider which was involved in processing the message, as recited in Claim 39 and similarly recited in Claim 49.

For at least these reasons, Claim 39 and its dependent claims including Claim 43 and Claim 49 and its dependent claims including Claim 53 are patentably distinct over the cited reference(s). Applicants respectfully request reconsideration and allowance of Claims 39 and 49 and all claims that depend therefrom.

Information Disclosure Statement

Applicants would like to bring to the Examiner's attention that Applicants filed an Information Disclosure Statement on August 19, 2005. Applicants respectfully request that the Information Disclosure Statements be considered and cited in the examination of the above-referenced application. Applicants attach a copy of the Information Disclosure Statement and PTO Form 1449 filed August 19, 2005, for the Examiner's convenience and a copy of the postcard receipt evidencing receipt by the Patent Office.

Association of Customer Number and Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **31625**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **31625**. All telephone calls should be directed to Andreas Grubert at 512.322.2545. A Revocation and Power of Attorney is submitted herewith.

Request for Continued Examination (RCE)

Applicants respectfully submit a Request for Continued Examination (RCE) Transmittal, along with a Petition for Extension of Time. The Commissioner is authorized to charge any fees required to Deposit Account 50-2148 in order to effectuate these filings.

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CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

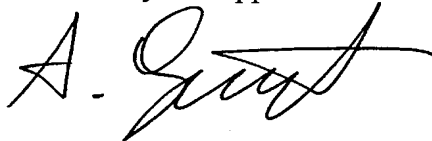
Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorney for Applicants

A handwritten signature in black ink, appearing to read 'A. Grubert', with a stylized flourish at the end.

Andreas Grubert
Registration No. 59,143

Date: September 16, 2008

SEND CORRESPONDENCE TO:
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